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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,849	01/30/2004	Makoto Adachi	520.43453X00/NT1430US	4137
20457 7590 07/16/2007 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER PHILIPPE, GIMS S	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 07/16/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

officeaction@antonelli.com  
dprater@antonelli.com  
tsampson@antonelli.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,849	<b>Applicant(s)</b> ADACHI ET AL.	
	<b>Examiner</b> Gims S. Philippe	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/21/07</u> . | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

This is a first office action in response to application no. 10/766,849 filed on January 30 2004 in which claims 1-7 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 5, line 14 and claim 7, line 14 the phrase " etc., " renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "etc., "), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 7 is further indefinite because the language " can be obtained by picking up a condition of the road and/or transferring the image ..." is confusing and makes it difficult to understand what the claim is clearly calling for. Appropriate correction is required.

Claim 5 contains similar ambiguity as that of claim 7, therefore, the same remarks made for claim 7 also applied .

Claim 6 is rejected by dependency to claim 5.

Since the claims are indefinite, they will be examined as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawasaki et al. (US Patent Application Publication no. 2003/0125854 A1).

Regarding claims 1 and 2, Kawasaki discloses the same terminal apparatus, comprising a position measuring means for measuring a present position of a car (See Kawasaki fig. 2, GPS 25, [0062, lines 6-8, 0064, lines 8-10]); an image pick-up means being able to pick up an image of a front or a rear of the car (See Kawasaki Fig. 2, items 11, 12, 13 and [0055, 0057]); a transmitting means for transmitting the image picked up by said image pick-up means, together with the position information, to an image information server for managing a database of image information being indicative of condition of a road (See Kawasaki Fig. 2, transmitters 112a, 112b and [0005, 0068, lines 1-10, and 0079]); a receiver means for receiving a predetermined image from said image information server (See Kawasaki 0070-0071); and a display means for displaying said image received thereon, wherein: a place or a timing of picking up an image by said image pick-up means is controlled from said image information server (See Fig. 3, items 61, 60, 71 and 72 and [0080-0082]).

As per claims 5 and 7, Kawasaki discloses a terminal apparatus, comprising: a position measuring means for measuring a present position of a car (See Kawasaki fig. 2, GPS 25, [0062, lines 6-8, 0064, lines 8-10]); an image pick-up means being able to pick up an image of a front or a rear of the car (See Kawasaki Fig. 2, items 11, 12, 13 and [0055, 0057]); a transmitting means for transmitting the image picked up by said image

pick-up means, together with the position information, to an image information server for managing a database of image information being indicative of condition of a road (See Kawasaki Fig. 2, transmitters 112a, 112b and [0005, 0068, lines 1-10, and 0079]); a receiver means for receiving a predetermined image from said image information server; and a display means for displaying said image received thereon (See Kawasaki 0070-0071); wherein: a price including a predetermined point, etc., can be obtained by picking up a condition of the road and/or transferring the image picked up to said image information server (See Kawasaki [0017-0019]).

As per claims 3-4 and 6, most of the limitations of these claims have noted in the above rejection of claims 1, 2 and 5. In addition, Kawasaki further discloses the same terminal wherein an image indicative of condition of a road, being picked up when the car having said terminal apparatus passes through a first spot on the road designated in advance, is transferred to said image information server for managing the database of the image information indicative of road condition, and a terminal apparatus of a second car, which locates in a front of said first spot and will pass through said first spot, receives the image indicative of the condition of said first spot from said image information server, thereby enabling display of the image indicative of the condition of said first spot (See Kawasaki figs. 6-8, [0017-0020 and 0100-0104]).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2621

Shanmugham (US Patent no. 6630884) teaches surveillance system for vehicles that captures visual or audio data.

Fish et al. (US Patent no. 6490513) teaches automobile data archive system having securely authenticated instrumentation data storage.

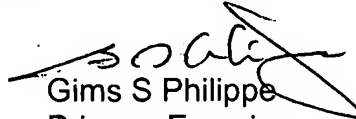
Bague (US Patent no. 6246933) teaches traffic accident data recorder and traffic accident reproduction system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

June 29, 2007